

July 17, 2007 CPC



STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0348

James and Hazel Miles

Mataoca Magisterial District
East line of Branders Bridge Road

REQUEST: Conditional Use to permit a business (boat motor repair) incidental to a dwelling unit in an Agricultural (A) District).

PROPOSED LAND USE:

Continued operation of a boat motor repair business is proposed.

RECOMMENDATION

Recommend approval for the following reason:

This business was originally permitted by a Special Exception in 1990 with renewals approved in 1991, 1997 and 2002. After consideration of public input, should the Commission and Board wish to approve this renewal, acceptance of the proffered conditions would be appropriate.

- (NOTES: A. CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS.
- B. IT SHOULD BE NOTED THAT PROFFERED CONDITIONS WERE NOT SUBMITTED AT LEAST THIRTY (30) DAYS PRIOR TO THE PUBLIC HEARING PER THE "SUGGESTED PRACTICES AND PROCEDURES." THE "PROCEDURES" SUGGEST THAT THE CASE SHOULD BE DEFERRED IF THE COMMISSION, STAFF AND MEMBERS FROM AFFECTED NEIGHBORHOOD(S) HAVE NOT HAD AN OPPORTUNITY

TO REVIEW THE AMENDMENTS. STAFF HAS HAD AN OPPORTUNITY TO REVIEW THESE PROFFERS.)

PROFFERED CONDITIONS

1. This Conditional Use shall be granted to and for James, Sr. and Hazel Miles, exclusively, for a period not to exceed five (5) years and shall not be transferable or run with the land. (P)
2. This Conditional Use shall be limited to the operation of a boat motor repair business, exclusively, and no employees other than the applicants shall be permitted. (P)
3. Other than normal maintenance or improvements necessary to meet the Virginia Statewide Building Code, there shall be no exterior additions or alterations to the structures. (BI & P)
4. Except for a 400 square foot area used for motor and part storage behind the existing garage, storage within the existing open carport structure attached to the garage and parking for a maximum of twelve (12) customer boats, outside storage shall not be permitted. Additionally, the applicants shall restrict the boat storage and motor repair operation to the rear yard behind the garage. (P)
5. There shall be no signs permitted to identify this use. (P)
6. No deliveries shall be permitted before 8:00 a.m. or after 5:00 p.m. (P)
7. Hours of operation shall be restricted to between 8:00 a.m. and 6:00 p.m., Monday through Saturday. No Sunday operation shall be permitted. (P)
8. The existing solid board fence located along the property boundary adjacent to Tax ID 795-621-0665, which shall not exceed a height of seven (7) feet, shall be properly maintained to preclude view of the business. (P)
9. All driveway and parking areas shall be at least graveled. (P)

GENERAL INFORMATION

Location:

Fronts the east line of Branders Bridge, north of Birdbrook Drive. Tax IDs 795-621-0072 and 1887.

Existing Zoning:

Agricultural (A)

Size:

2.4 acres

Existing Land Use:

Single family dwelling and boat motor repair business

Adjacent Zoning and Land Use:

North, South and East – A; Large lot single family residential or vacant
West - R-9; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along the south side of Branders Bridge Road opposite a portion of the request site. This site is not connected to the public water system. This site is within the area of anticipated 1.01 to 2.5 units per acre of the Southern and Western Area Plan, where use of public water is required by County Code (Sec. 18-63(b)). Use of public water will be required at such time as an addition is made to an existing structure or a new structure is built on-site.

Public Wastewater System:

The public wastewater system is not available to serve this property. This site is within the Oldtown Creek drainage basin and a thirty-six (36) inch wastewater trunk line extends along Oldtown Creek approximately 1,100 feet southeast of the property. This site is within the area of anticipated 1.01 to 2.5 units per acre of the Southern and Western Area Plan, where use of public wastewater is required by County Code (Sec. 18-64(a)). Use of public wastewater will be required at such time as an addition is made to an existing structure or a new structure is built on-site.

Private Well and Septic System:

The Health Department must approve any new well or septic system or expanded usage of any existing well or septic system to serve this site.

ENVIRONMENTAL AND FIRE SERVICE

This request will have a minimal impact on these facilities.

Transportation:

In February 2002, the Board of Zoning Appeals approved a Special Exception renewal request (Case 02AR0144) to operate a business (boat motor repair) incidental to a dwelling in an A District. As a condition of the application, the special exception was permitted for a period not to exceed five (5) years.

The existing development has minimal impact on the existing transportation network. The Thoroughfare Plan identifies Branders Bridge Road as a major arterial with a recommended right-of-way width of ninety (90) feet. The applicants are unwilling to dedicate forty-five (45) feet measured from the centerline of Branders Bridge Road in accordance with that Plan.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1.01 – 2.5 units per acre.

Area Development Trends:

Surrounding properties to the north, south and east are zoned Agricultural (A) and are occupied by single family residential uses on large lots or are vacant. Properties to the south are zoned Residential (R-9) and are occupied by single family residential use within Forest View Subdivision or are vacant. It is anticipated that residential development will continue in the area as recommended by the Plan.

Zoning History:

On October 3, 1990, the Board of Zoning Appeals approved a Special Exception (Case 90AN0260) to permit the operation of a boat motor repair business incidental to the residential dwelling. Work associated with the business was permitted in the rear yard behind an existing on-site structure. Conditions of approval limited the Special Exception for one (1) year, permitted the use for the property owner only, and addressed boat parking, hours of operation, number of permitted customers, screening and permitted no employees other than the applicants.

On October 2, 1991, the Board of Zoning Appeals approved renewal (Case 91AR0261) of the Special Exception to permit the operation of a boat motor repair business incidental to the

residential dwelling. Conditions of approval were the same as those imposed with the approval of Case 90AN0260 except that the approval was granted for five (5) years.

On November 6, 1996, the Board of Zoning Appeals approved renewal (Case 97AR0131) of the Special Exception to permit the operation of a boat motor repair business incidental to the residential dwelling for five (5) years. Conditions of approval were the same as those imposed with the approval of Case 91AR0261.

On January 2, 2002, the Board of Zoning Appeals approved renewal (Case 02AR0144) of the Special Exception to permit the operation of a boat motor repair business incidental to the residential dwelling. Conditions of approval were the same as those imposed with the approval of Case 91AR0261 except that off-street parking requirements were changed to provide parking for a maximum of twelve (12) boats rather than four (4) boats. (See attached conditions for Case 02AR0144.)

Use and Proposed Restrictions:

A boat motor repair business has been operated on the request property since 1990. As noted above, several Special Exceptions have been granted to permit the use incidental to the residential dwelling on the property. Conditions have been modified over time to accommodate the use. The last Special Exception permitting the use incidental to the residential dwelling was approved in 2002 (Case 02AR0144). This approval expired in January 2007. The applicants filed their application to request approval of a Conditional Use to permit operations to continue in May 2007 and continue to operate the business without zoning approval.

If this request is approved, the boat motor repair business would be permitted to continue incidental to the residential dwelling. Proffered Condition 1 would limit the Conditional Use to the applicants for a period not to exceed five (5) years. Other proffers are offered to limit employees to only the applicants, location of outside work areas, outside storage and boat storage, prohibition of signage and exterior additions or alterations to existing on-site structures, deliveries and hours of operation. (Proffered Conditions 2 through 9)

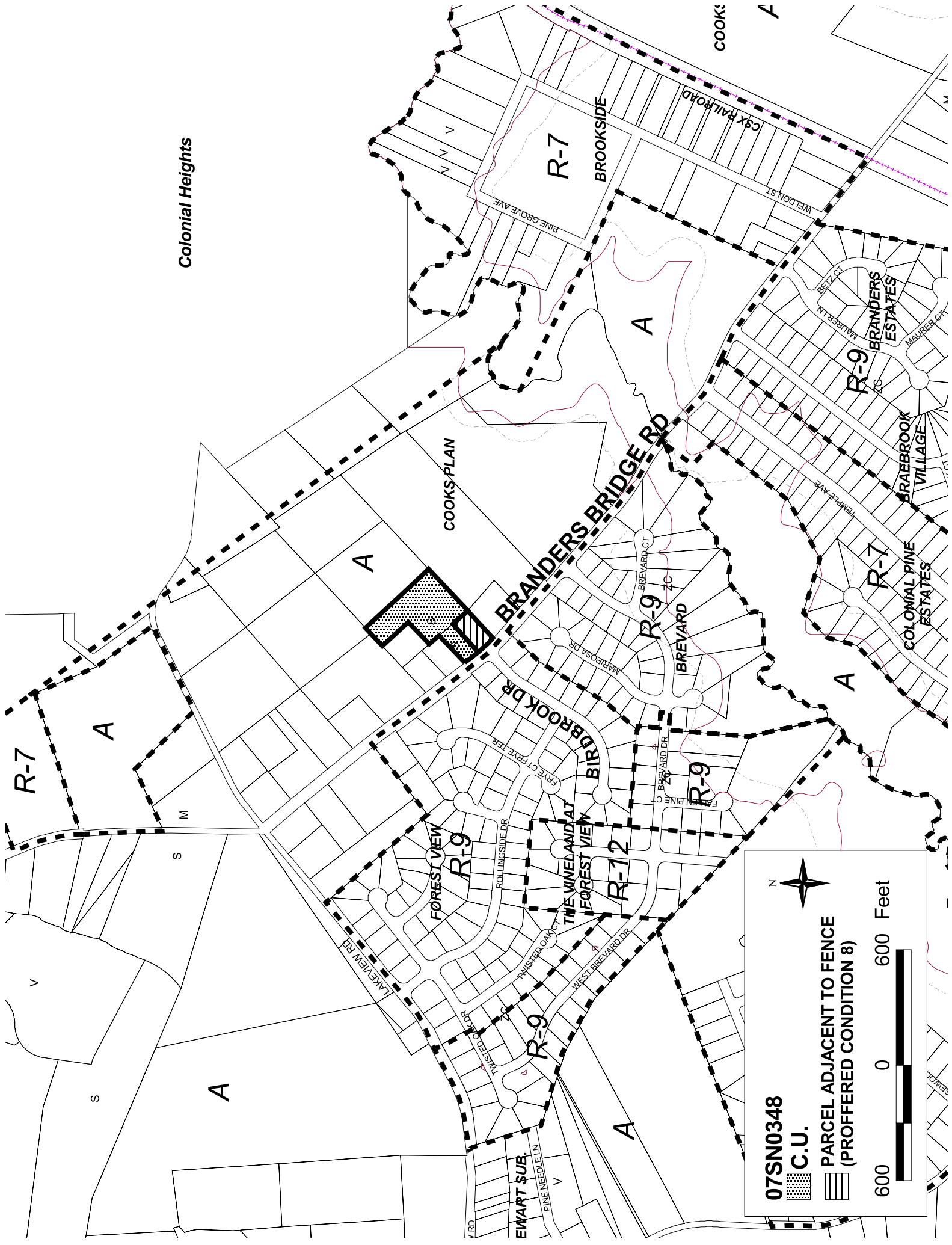
CONCLUSIONS

This business was originally permitted by a Special Exception in 1990 with renewals approved in 1991, 1997 and 2002. After consideration of public input, should the Commission and Board wish to approve this renewal, acceptance of the proffered conditions would be appropriate.

Conditions of Case 02AR0144

1. Special Exception shall be granted to and for James, Sr., and Hazel Miles exclusively; and shall not be transferable nor run with the land.
2. Special Exception shall be granted for a period not to exceed five (5) years from date of approval and may be renewed upon satisfactory re-application and demonstration that the boat motor repair operation has not proved a detriment to the adjacent property or the area in general.
3. Special Exception shall be limited to the operation of a boat motor repair facility, exclusively, and no employees other than the applicants, shall be engaged in this operation.
4. Hours of operation shall be restricted to between 8:00 a.m. and 6:00 p.m., Monday through Saturday. No Sunday operation shall be permitted.
5. No deliveries shall be permitted before 8:00 a.m. and after 5:00 p.m.
6. Off-street parking shall be provided for a maximum of twelve (12) customer boats and vehicles belonging to the applicants. All driveway and parking areas shall be at least graveled. (BZA)
7. No additions or alterations related to this operation shall be permitted to the exterior of the dwelling or to any accessory building.
8. No group assembly connected with this operation shall be permitted.
9. Not more than two (2) customers shall be permitted on the property at any one time.
10. All work and operations associated with this business, including storage of materials and equipment and testing of motors, shall be accomplished on the inside of the existing building.
11. Not more than 1/4 of one floor of the existing house shall be used for administration and storage.
12. No deliveries shall be permitted to or from this use by a tractor trailer truck.
13. The existing solid board fence, which does not exceed seven (7) feet in height, shall be adequately maintained. Additionally, the applicants shall restrict the boat storage and motor repair operation to the rear yard behind the garage so that it will not be visible from Branders Bridge Road or the adjacent property to the north.

Colonial Heights



07SN0348

C.U.

PARCEL ADJACENT TO FENCE
(PROFFERED CONDITION 8)

